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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213057
Party	Defendant Hylete LLC
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Date	08/27/2014
Attachments	opposition to motion for sanctions- hybrid.pdf(1085018 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HYBRID ATHLETICS, LLC,

Opposer,

v.

HYLETE, LLC,

Applicant.

Opposition No.: 91213057

APPLICANT HYTELE'S RESPONSE TO
OPPOSER'S MOTION FOR
SANCTIONS

**APPLICANT'S RESPONSE TO OPPOSER'S MOTION FOR ENTRY OF
SANCTIONS IN THE FORM OF ENTRY OF JUDGMENT**

Opposer has failed to respond to Applicant's attempts at settlement as well as several attempts at discussing the matter at hand by telephone conference. (*See* Exhibit A- emails dated July 31, 2014, August 6, 2014). Further, Applicant called Opposer's office on July 31, 2014, August 1, 2014, and August 5, 2014 and left messages with a live operator as well as voicemail boxes with no response.

Further, Opposer is clearly trying to run up legal bills as opposed to settling for their client. In good faith, Applicant has been trying to contact Opposer for settlement discussion and requesting discovery be extended in the interim. Applicant has even sent Opposer a formal settlement offer on August 15, 2014 (*See* Exhibit B) without any response.

Finally, since it is clear that Opposer refuses to participate in any sort of settlement discussion, Applicant requests that the Board mandate a telephonic conference in order to better understand Opposer's discovery requests so that Applicant may provide more clear and complete responses.

Therefore Applicant respectfully requests that the Board dismiss this motion for sanctions based on Opposer's failure to respond to Applicant's attempts to communicate via e-mail and telephone regarding settlement and additional discovery responses.

Respectfully Submitted,
TSIRCOU LAW, P.C.

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CERTIFICATION OF SERVICE

This is to certify that a copy of the foregoing APPLICANT HYTELE'S MOTION FOR ENTRY OF SANCTIONS IN THE FORM OF ENTRY OF JUDGMENT has been served on Opposer by electronic service via ESTTA, electronic mail, and depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Michael J. Kosma
Steward Johnston & Reens LLC
986 Bedford Street
Stamford, CT 06905

Dated: August 27, 2014

/kyri tsircou/
Kyriacos Tsircou

EXHIBIT A:

E-MAILS ATTEMPTING TO
SCHEDULE TELEPHONIC CONFERENCES WITH OPPOSER

